

EXHIBIT 18

David Lombardo
October 03, 2022

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

* * *

STAR AUTO SALES OF BAYSIDE :
INC., (d/b/a STAR TOYOTA : CASE NO.
OF BAYSIDE), STAR AUTO SALES: 18-cv-05775 (ERK) (TAM)
OF QUEENS, LLC, (d/b/a :
STAR SUBARU) STAR HYUNDAI, :
LLC, (d/b/a STAR HYUNDAI :
LLC), STAR NISSAN, INC., :
(d/b/a STAR NISSAN)), METRO :
CHRYSLER PLYMOUTH, INC. :
(d/b/a STAR CHRYSLER JEEP :
DODGE), STAR AUTO SALES OF :
QUEENS COUNTY, LLC, (d/b/a :
STAR FIAT) and STAR AUTO :
SALES OF QUEENS VILLAGE, LLC: :
(d/b/a STAR MITSUBISHI), :
Plaintiffs :

vs. :

VOYNOW, BAYARD, WHYTE AND :
COMPANY, LLP, HUGH WHYTE :
and RANDALL FRANZEN, :

Defendants :

* * *

Videotape deposition of DAVID LOMBARDO, held
at the offices of U.S. LEGAL SUPPORT, 1818 Market
Street, 14th Floor, Philadelphia, Pennsylvania 19103,
beginning at 10:54 a.m., on Monday, October 3, 2022,
before Alice T. Mattes, Court Reporter and Notary
Public, there being present:

* * *

U.S. LEGAL SUPPORT
Northeast Processing Center
1818 Market Street, Suite 1400
Philadelphia, Pennsylvania 19103
(877) 479-2484

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1 APPEARANCES:

2
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and
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8 -- Representing the Plaintiffs
9

10
11 MARSHALL DENNEHEY WARNER COLEMAN & GOGGIN
12 BY: MAUREEN P. FITZGERALD, ESQUIRE
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14 -- Representing the Defendants
15
16

17 ALSO PRESENT: Videographer, Scot Dantzer

18 Jacqueline Cutillo

19 Robert Seibel

20 Steven Rambam (telephonically present)
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MS. FITZGERALD		226,339
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* * *

(It is hereby stipulated by and among counsel for the respective parties that sealing, filing and certification are waived; and that all objections, except as to the form of the questions, be reserved until the time of trial.)

* * *

THE VIDEOGRAPHER: Okay. We're on the record. And the time is 10:54 a.m. Let's see.

This is a video-recorded proceeding of David Lombardo in the matter of Star Auto Sales of Bayside, Inc., et al v. Voynow, Bayard, Whyte and Company, LLP, et al. Filed in the United States District Court, Eastern District of New York.

This proceeding is being held in the offices of U.S. Legal in Philadelphia, Pennsylvania. My name is Scot Dantzer. I'm the videographer on behalf of U.S. Legal Support. I'm not related to any party in this action, nor am I financially interested in the outcome. Our court

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1 reporter today is Alice Mattes, also on
2 behalf of U.S. Legal Support.

3 Counsel, please state your
4 appearances for the record, after which the
5 court reporter will enter the statement
6 for -- I'm sorry. And will swear in our
7 witness. So if you could please enter
8 appearances.

9 MR. LABUDA: Good morning. Joe Labuda
10 for the plaintiffs. Milman Labuda Law
11 Group, 3000 Marcus Avenue, Lake Success, New
12 York.

13 MS. FITZGERALD: Maureen Fitzgerald
14 for the defendants. Marshall Dennehey.

15 * * *

16 DAVID LOMBARDO,
17 after having been first duly sworn, was
18 examined and testified as follows:

19 * * *

20 MR. LABUDA: All right. Good morning,
21 Mr. Lombardo. I'm just going to for the
22 record indicate that also here for the
23 plaintiffs is Jackie Cutillo as well as
24 Jeremy Koufakis. And for the defendant, in
25 addition to Miss Fitzgerald Bob Seibel is

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1 A Yes.

2 Q And would you agree that accountants can
3 make observations about issues that need to be
4 followed up? But ultimately it's up to management
5 to actually go through and follow those up?

6 A Yes.

7 Q You may have answered this. And if you did,
8 I apologize. But on the three or so occasions when
9 you were physically at Star do you ever recall
10 yourself logging onto the Reynolds system?

11 A I don't recall that specifically, no.

12 Q Okay. And on any occasion while you were
13 back in Trevoise in your office you don't ever recall
14 remotely accessing Star's system. Is that correct?

15 A I'm not so sure if that was a
16 possibility.

17 Q Okay.

18 A No.

19 Q Do you know if there was a particular person
20 who would print out schedules for you that was
21 employed by Star?

22 A Sometimes that would happen.

23 Q I know. But do you know if there was like a
24 specific person you would ask and say, hey, I need
25 this schedule, can you print it out for me?